

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

700-0016

STIPULATED AGREEMENT NO. 885

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", the Chicago Central and Pacific Railroad Company, hereinafter referred to as "COMPANY", the Village of Addison, hereinafter referred to as "VILLAGE", and the State of Illinois, Department of Transportation, hereinafter referred to as "IDOT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY 's track with a public highway known as Grace Street located in Addison, DuPage County, Illinois, designated as crossing AAR/DOT 289 871J, milepost 23.40-W; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team including a staff member of the COMMISSION'S Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates (AFLS&G) controlled by constant warning time circuitry in lieu of the existing automatic flashing light signals.

Section 3 The COMPANY has prepared a preliminary estimate of cost to accomplish the proposed improvements which it may be required to perform. Said estimate is attached as Exhibit B. The COMPANY shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and IDOT.

Section 4 COMPANY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be 60 days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the COMPANY to perform the work set forth in Section 2(a), estimated to be \$54,150, should be allocated 85% of the actual cost, in an amount not to exceed \$46,028, to the Grade Crossing Protection Fund ("GCPF"), 10% of the actual cost, in an amount not to exceed \$5,415, to the VILLAGE, with all remaining costs, as well as the cost of future maintenance and operation to be borne by the COMPANY.

Section 6 The VILLAGE is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions:

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than twenty four (24) months from the date of COMMISSION Order subsequent to this Agreement. The IDOT shall, at the end of the 24th month from the COMMISSION's Order date, de-obligate all residual funds accountable for installation cost for this project.

The COMPANY shall within ninety (90) days of the date of COMMISSION's Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, the name, title, mailing address, phone number and facsimile number of a project manager.

The COMPANY shall file a written report with the Director of Processing and Information within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reasons for the delay.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

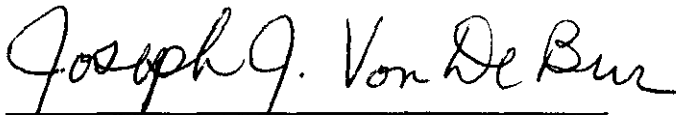
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 4th day of JANUARY, 2000.



Michael E. Stead
Railroad Safety Program Administrator

Attest:

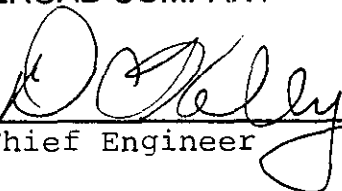


Joseph J. VonDeBur,
Railroad Safety Specialist


Illinois Commerce Commission Stipulated Agreement No. 885 concerning improvements at the Grace Avenue grade crossing of the Chicago, Central and Pacific Railroad Company tracks in Addison, DuPage County, Illinois, designated as crossing AAR/DOT 289 871J, milepost 23.40-W.

Executed by the Chicago Central and Pacific Railroad Company this 17th day of January, 2000.

CHICAGO, CENTRAL AND PACIFIC
RAILROAD COMPANY

By: 
Chief Engineer

Attest:



Illinois Commerce Commission Stipulated Agreement No. 885 concerning improvements at the Grace Avenue grade crossing of the Chicago, Central and Pacific Railroad Company tracks in Addison, DuPage County, Illinois, designated as crossing AAR/DOT 289 871J, milepost 23.40-W.

Executed by the VILLAGE this 28TH day of JANUARY 2000.


STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Slifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 885 concerning improvements at the Grace Avenue grade crossing of the Chicago, Central and Pacific Railroad Company tracks in Addison, DuPage County, Illinois, designated as crossing AAR/DOT 289 871J, milepost 23.40-W.

Executed by the VILLAGE this 22nd day of February 2000.

VILLAGE OF ADDISON

By: 

Attest:





Village of Addison

STATE OF ILLINOIS)

COUNTY OF DU PAGE)

I, Lucille Zuccherro, Village Clerk of the Village of Addison, Illinois, DO HEREBY CERTIFY that as such Village Clerk and keeper of the records, that the foregoing is a true and correct copy of Resolution No. R-00-07, a Resolution Approving Stipulated Agreement No. 885 Between the Illinois Commerce Commission, Chicago Central and Pacific Railroad Company and the Village of Addison, passed and approved by the Mayor and Board of Trustees on February 22, 2000.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 29th Day of February, 2000.

Lucille A. Zuccherro, CMC
Village Clerk
Village of Addison
DuPage County, Illinois

RESOLUTION NO. R-00-07

**RESOLUTION APPROVING STIPULATED AGREEMENT NO. 885
BETWEEN THE ILLINOIS COMMERCE COMMISSION, CHICAGO CENTRAL
AND PACIFIC RAILROAD COMPANY AND THE VILLAGE OF ADDISON**

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village and its residents to enter into Stipulated Agreement No. 885 regarding improvements at the Grace Street railroad crossing located within the Village, said Agreement being attached hereto as Exhibit 1 and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF ADDISON, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: Stipulated Agreement No. 885 between the State of Illinois acting by and through the Illinois Commerce Commission, the Chicago Central and Pacific Railroad Company, and the Village of Addison, a copy of which is attached hereto as Exhibit 1, shall be, and it is hereby, approved, and the Village Manager and Village Clerk shall be, and they are hereby, authorized and directed to execute said Agreement in substantially the form attached hereto.

SECTION TWO: Any and all policies or resolutions of the Village of Addison which conflict with the provisions of this resolution shall be, and they are hereby, repealed.

SECTION THREE: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 22nd day of February, 2000.

AYES: Trustees Hundley, LaPato, Layne, Russotto, Theodore, Venetis

NAYS: None

ABSENT: None

APPROVED THIS 22nd day of February, 2000.

Erin Harting
MAYOR

ATTEST:

Lucile A. Zwick
VILLAGE CLERK

LKL\81543.1\2/11/00

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR: Chicago, Central & Pacific Milepost: 23.40-W Inventory #: 289 871J

Village: Addison Street: Grace Avenue County: Du Page

Jurisdiction: Village Urban: X Rural: Commercial: X Residential:

Street Surface: Asphalt Width: 48 ft. Condition: Fair

Angle: 80° Tracks Tangent: N/A Degree of Curve: N/A Superelevation: None

Depth of Cut: Height of Fill: 2 ft.

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Rubber</u>	<u>52 ft.</u>	<u>Good</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Intersecting Roads: None

Traffic Control Devices Present: N/A

ADT: 1000 VPD Speed: 30 MPH Statewide: Yes

School Buses: Yes Hazardous Materials: Yes Other:

Rail Traffic: Freight. 6 @ 50 mph Pass.: 0 @ mph Switch:

Simultaneous Movements: N/A Daylight and Dark:: Yes

Present Protection: Automatic flashing light signals (AFLS) on cantilever, bell, crossbucks

Advance Warning Signs: Yes Pavement Marking: Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	①			
NW	①			
SE	①			
SW	①			

① Visibility study not done as train-vehicular product (Exposure Factor) exceeds 3000 and meets Stipulated Agreement criteria for the installation of AFLS & Gates.

Approach Grades

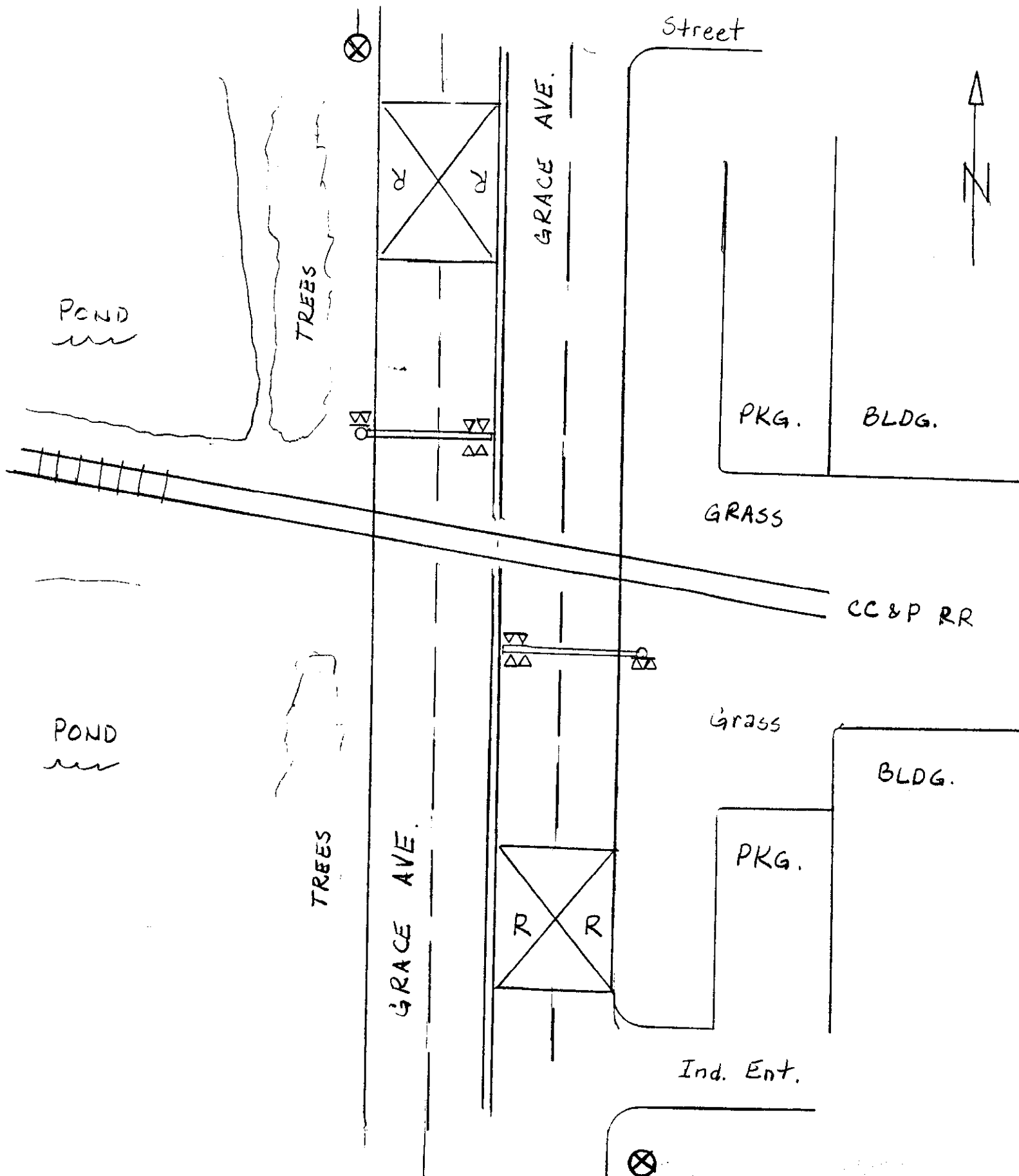
East/North	'	%	'	%	'	%
West/South	'	%	'	%	'	%

COMMENTS:

Project initiated at the request of the Village of Addison.

Cost division:	Commission	=	85%	≤	\$46,028
	Village	=	15%	≤	\$ 5,415
	Company	=	5%	=	<u>\$ 2,707</u>
	TOTAL	=			\$54,150

SKETCH OF CROSSING: DOT 289 871J



12-NOV-1999

EXHIBIT B
PAGE 1

ILLINOIS CENTRAL RAILROAD
ENGINEERING DEPARTMENT
OFFICE OF GENERAL MANAGER-C&S

Addison, IL

Est 1015-901

Estimated cost of Signal work to add Gates at Grace Street.

Midwest Division

Val Sec Il-2

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				

CABLE, 2c/6 TW., 120-D (O)	250.	FEET @	0.68	170.00
CABLE, 5c/6, 121-M (O)	100.	FEET @	2.58	258.00
CABLE, 7c/6, 121-N (O)	250.	FEET @	3.32	830.00
CABLE, 5c/14, 121-B (O)	250.	FEET @	1.00	250.00
LANDFILL	1.	L.S. @	300.00	300.00
RECTIFIER, CRC 40EC-12V	1.	EACH @	665.00	665.00
XING LAMP CONTROLLER, XLC	2.	EACH @	865.00	1730.00
VITAL LOGIC GATE, VLG	2.	EACH @	530.00	1060.00
VITAL RELAY DRIVER, VRD	1.	EACH @	705.00	705.00
ERICO SURGE PROTECTION	1.	LOT @	665.00	665.00
GATE ASSEMBLY	2.	EACH @	5630.00	11260.00
ARM, EZ GATE, 16-32'	2.	EACH @	507.00	1014.00
GATEKEEPER, SK-1000	2.	EACH @	1928.00	3856.00
BATTERY, GNB 265AH	7.	EACH @	217.00	1519.00
FOUNDATION, S2 4FT-6IN HI	2.	EACH @	369.00	738.00
FOUNDATION, DP-4B, 5FT-10IN HI	2.	EACH @	2830.00	5660.00
MISC. SIGNAL MATERIAL	1.	L.S. @	200.00	200.00
5 MAN GANG	4.	DAY @	1000.00	4000.00
PRELIMINARY ENGINEERING	1.	L.S. @	2800.00	2800.00
CONSTRUCTION ENGINEERING	1.	L.S. @	275.00	275.00

12-NOV-1999

EXHIBIT B
PAGE 2

Addison, IL

Est 1015-901

SUMMARY

MATERIAL	30880.00 *
HANDLING 0.0610	1883.68
LABOR	4000.00 *
ENGINEERING	3075.00
ACCOUNTING	100.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	4282.40
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	3209.12
SUBSISTENCE	1000.00
RENTAL OF EQUIPMENT	800.00
CONTINGENCIES	4919.80

TOTAL COST	54150.00